

Delegated Report

Planning Ref: 23/00995/FUL

Applicant: Hitachi Zosen Inova UK Limited

Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: Airama House, Wheatfield Way, Hinckley

Proposal: Construction of 2.4m fencing and storage containers (contrary to condition 2 on planning application 05/01382/COU).

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. This is an application for fencing and four storage containers to the rear of Airama House at Wheatfield Way, Hinckley.

2.2. The storage containers will be 1.2m wide, 3m long and 2.4m tall. The fencing will run from the southern corner of Airama House, following the existing building line until it reaches the existing fencing at the south eastern boundary.

2.3. The fencing will be 2.4m high and painted black, to complement existing fencing in the immediate vicinity. At the centre of the fencing will be a gate, which will be 4m wide and 2.4m tall. The outside cladding will be painted in the company corporate colours; Grey – RAL 7047, Blue – RAL 5026 and Green- RAL 120 70 70.

2.4. A previous application at the site (05/01328/COU) granted permission for part change of use to offices and alterations to parking and internal arrangements. Planning condition 2 stated:

“There shall be no storage of materials, plant, oil drums, tyres or waste materials of any description on the open area of the site, unless otherwise indicated on the approved plan.”

3. Description of the site and surrounding area

3.1. The application site lies within the settlement boundary of Hinckley. The site is bounded on all sides by commercial/light industrial units. The application site is currently car parking spaces.

4. Relevant planning history

4.1 05/01328/COU – PART CHANGE OF USE TO OFFICES AND ALTERATIONS TO PARKING AND INTERNAL ARRANGEMENTS. Approved.

5. Publicity

5.1. Letters were sent out to neighbouring/nearby properties. No comments from third parties or letters of objection have been received.

6. Consultation

- LCC Highways (no objection)
- HBBC Drainage (no response)
- HBBC Enforcement (no response)
- HBBC Pollution (no objection)

- HBBC Waste (no objection)
- 7. Policy**
- 7.1. Core Strategy (2009)
- Policy 1: Development in Hinckley
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 8. Appraisal**
- 8.1. Key Issues
- Principle of development
 - Design and impact upon the character of the area
 - Impact upon highway safety
- Principle of development
- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up to date plan, permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The current development plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4. Hinckley is a sub-regional centre and Policy 1 of the Core Strategy states that a variety of development will be supported to enable Hinckley to provide the necessary services and facilities to function as such.
- Design and impact upon the character of the area
- 8.5. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.6. Paragraph 134 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.

- 8.7. The proposed scale, design and location of the fencing, gate and storage containers are considered to be in keeping with the immediate vicinity.
- 8.8. The proposal does contravene planning condition 2 from application 05/01328/COU. The condition was put in to ensure the site does not deteriorate into an untidy condition. The implementation of this proposal is not considered to create an untidy appearance and will allow for the tidy storage of tools and other materials.
- 8.9. Overall the scheme is considered to be acceptable and in compliance with Policy DM10(c), (d) and (e) of the SADMP and the requirements of the NPPF.

Impact upon neighbouring residential amenity

- 8.10. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.11. There have been no comments or objections raised by third parties. As a result of the proposal, there is not anticipated to be any adverse impact on neighbouring amenity. There are no residential properties within the vicinity of the site.
- 8.12. As such, this application is considered to be acceptable in amenity terms and in compliance with Policy DM10 a) and b) of the SADMP.

Impact upon highway safety

- 8.12. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM17 of the adopted SADMP ensures development has sufficient parking. Paragraph 111 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe
- 8.13. The local highway authority raised no objections. The proposal complies with Policies DM17 and DM18 on the SADMP.

Conclusion

- 8.14. The proposal is considered to comply with Policies DM10, DM17 and DM18 of the SADMP.

9. Equality implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Recommendation

10.1 Grant planning permission subject to the following conditions:

Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted relates to the following approved plans only:

- Site Location Plan - HZI2023-007 - received on 30/10/2023.
- Block Plan - HZI2023-006 - received on 30/10/2023.
- Airama House Proposed Fenced Storage Area Plan View - HZI2023-003 - received on 12/12/2023
- Airama House Proposed Fenced Storage Area Elevation Views - HZI2023-004 - received on 12/12/2023

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

INFORMATIVES

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.